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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 655,477	09 05 2000	Richard P. McClellan	20 137	7870

7590 06 04 2003

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EXAMINER

NOWLIN, APRIL A

ART UNIT PAPER NUMBER

2876

DATE MAILED: 06 04 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/655,477

Applicant(s)

MCCLELLAN ET AL.

Examiner

April A. Nowlin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 6-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-8 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement (PTO-141) (Paper No. \_\_\_\_\_)
- 4) ☐ Interview Summary (PTO-413) (Paper No. \_\_\_\_\_)
- 5) ☐ Notice of Informal Patent Application (PTO-152) (Paper No. \_\_\_\_\_)

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the appeal brief filed on 07 February 2003, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Objections***

2. Claims 7-9 are objected to because of the following informalities:

Re claim 7: Substitute "it" with -- the box detecting circuit -- (see line 5).

Re claim 8: Substitute "box-like" with -- box -- (see line 1).

Re claim 9: Substitute "it" with -- the box container -- (see line 8).

Re claim 9: Insert -- and -- after "time:" (see line 14)

Appropriate correction is required

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 6-8 rejected under 35 U.S.C. 102(e) as being anticipated by Barnes et al (US 6,502,750).

Barnes et al teaches a scanning beam system and method for reading information symbols comprising: a scanning laser source 214; a photo detector 222, which serves as a laser reflection sensor as recited in claims 6 and 8, positioned to detect reflections of the scanning laser beam; a laser scanner 202, which serves as a barcode reader as recited in claims 6 and 8, connected to the sensor to detect and read barcodes scanned by the laser beam; and an object detecting circuit 212, which serves as a cardboard box detecting circuit as recited in claims 6 and 8, having an input connected to a laser reflection sensor to receive the sensor signals. the object detecting circuit is constructed to generate an object detecting signal indicating detection of an object when the magnitude of the output from the laser reflection sensor increases from a lower level representing no object to above a predetermined level which represents

an object. the increase in reflectance from a barcode space element is the trigger.

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reflective surface that follows a brief decrease from an adjacent barcode bar element or other similarly thin low reflective marking on the object. Furthermore, the object detecting circuit is constructed to generate a signal indicating detection of an object after the object detecting circuit detects an output from the laser reflection sensor that has a magnitude that increases from a low level representing no object to above a predetermined object present level which represents reflections from an object, and with the magnitude remaining above the object present level for at least a predetermined time representing object movement of a plurality of centimeters representing an object of minimum length, with any drops in magnitude lasting no more than a predetermined period representing barcode elements, being ignored. (See figure 2; col. 4, lines 9-67; col. 6, line 16 to col. 7, line 5)

***Allowable Subject Matter***

5. Claim 9 is allowable over prior art.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, taken alone or in combination, fail to teach or fairly suggest a method for detecting the leading and trailing ends of a box container whether or not the box container has a barcode, comprising: detecting the passage of the leading end of a container by detection of an increase in magnitude of output from the laser reflection sensor, from a low magnitude representing noise when no container is

of such predetermined higher magnitude for longer than a predetermined period of time; and detecting the passage of a trailing end of a container by detecting a decrease in magnitude of output from the laser reflection sensor, from above to below the predetermined higher magnitude and the maintenance of such magnitude of output below the predetermined higher magnitude for longer than at least the period during which one of the bar elements is detected.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Pat. No. 6,540,139 to Lucera et al

US Pat. No. 6,371,371 to Reichenbach

US Pat. No. 6,129,280 to De Renzis et al

US Pat. No. 6,332,544 to Mitani

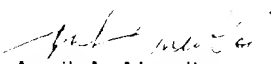
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to April A. Nowlin whose telephone number is (703) 605-1219. The examiner can normally be reached on Monday - Friday from 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7382 for After Final communications.

by the applicant and should be addressed to [april.nowlin@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
April A. Nowlin  
May 29, 2003

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800